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October 24, 2008

FILE NO: 27120.8081

By Hand

The Honorable Robert E. Payne
United States District Court, Eastern District of Virginia
Robinson / Merhige Federal Courthouse
701 East Broad Street
Richmond, Virginia 23219

Re: Smithfield Foods, Inc., et al. v. UFCW, et al.

Dear Judge Payne:

As requested, set forth below are additional questions that Plaintiffs believe should be asked of the venire during voir dire. These general questions are designed to elicit additional background information from the venire as a whole.

1. Do any of you know any other members of the venire?
2. Have you or a family member ever worked for the media?
3. Are you registered to vote? Of those registered to vote, do you intend to vote in next Tuesday's presidential election?
4. In the juror questionnaires that you have filled out, many of you discussed your opinions regarding labor unions. For those who did not share their opinions, do you have any positive or negative feelings about labor unions?

Based on our preliminary review of the juror questionnaires filled out by the venire, we agree with your statement yesterday that certain members of the venire may harbor certain biases that may affect their ability to be a fair and impartial juror. As a result, we believe that further questioning is warranted to determine the extent of those potential biases. Given the nature of these potential biases, we believe that these individuals should be questioned outside



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the presence of the other members of the venire so that the venire is not influenced by these potential biases. We will be prepared to discuss these issues with you Monday morning once we have had an opportunity to review the questionnaires more closely.

Thank you in advance for your consideration of these additional questions. If you have any questions, please do not hesitate to let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Slater", written over the word "Sincerely,".

Thomas G. Slater, Jr.

cc: Counsel of Record